

Message Text

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PAGE 01 STATE 036197
ORIGIN TRSE-00

INFO OCT-01 EUR-12 ISO-00 EB-08 COME-00 ITC-01 SS-15 SP-02
NSC-05 STR-04 CIAE-00 INR-07 NSAE-00 L-03 OMB-01 H-01
/060 R

DRAFTED BY TREASURY:PSUCHMAN:RN
APPROVED BY EUR:JAARMITAGE
EUR/EE:CWSCHMIDT
COMMERCE/BEWT:SLOTARSKI (INFO)
EB/ITP/STA:JSPIRO (SUBSTANCE)
-----170400Z 072144 /61
P 170213Z PEB 77
FM SECSTATE WASHDC
TO AMEMBASSY WARSAW PRIORITY

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E.O. 11652:N/A

TAGS:ETRD, PL

SUBJECT:ANTIDUMPING ACTION RE POLISH GOLF CARTS

REF: STATE 031685

1. FOLLOWING IS TEXT OF LETTER DATED FEBRUARY 16, 1977, TO
AMBASSADOR DAVIES FROM TREASURY DEPUTY ASSISTANT SECRETARY
(TARIFF AFFAIRS) PETER O. SUCHMAN OUTLINING TREASURY/CUSTOMS
ANALYSIS OF ANTIDUMPING DUTIES DUE AND STATUS OF GOLF CART
CASE. SEPTELS WILL TRANSMIT TEXT OF DETAILED TREASURY
MEMORANDUM AND TABLE WHICH ARE ENCLOSURES TO SUCHMAN LETTER.
(ORIGINAL OF LETTER WILL BE POUCHED.)

2. WE ASSUME THAT EMBASSY'S FILES CONTAIN COPY OF SUCHMAN
LETTER TO DEPUTY MINISTER STRZELECKI OF SEPTEMBER 5, 1975,
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PAGE 02 STATE 036197

WHICH IS REFERRED TO IN SUCHMAN'S LETTER.

3. AMBASSADOR IS REQUESTED TO CONVEY TREASURY'S ANALYSIS TO
APPROPRIATE HIGH-LEVEL GOP OFFICIALS, MAKING POINTS
OUTLINED IN REFTL. THE TREASURY MEMORANDUM ENCLOSED WITH
SUCHMAN'S LETTER SHOULD BE GIVEN TO THE GOP. IF YOU

FIND IT USEFUL, YOU MAY ALSO GIVE POLES COPY OF SUCHMAN'S LETTER. THE TABLE IS INTENDED FOR EMBASSY'S BACKGROUND USE ONLY.

SINCE SOME OF THE FIGURES CONTAINED IN IT ARE SUBJECT TO CHANGE BEFORE CUSTOMS COMPLETES NORMAL ASSESSMENT PROCESS, WE PREFER THAT IT NOT BE HANDED OVER TO GOP.

4. YOU ARE REQUESTED TO INFORM GOP THAT WE WOULD EXPECT IN VERY NEAR FUTURE THAT CUSTOMS WILL PROCEED WITH ITS NORMAL ASSESSMENT PROCESS. BEGIN FYI. HOWEVER, TREASURY WOULD AGREE TO AN ADDITIONAL SHORT DELAY PENDING A FURTHER REPRESENTATION BY GOP, SHOULD IT CHOOSE TO DO SO. END FYI.

5. BEGIN TEXT. DEAR MR. AMBASSADOR: FOLLOWING OUR RECENT CONVERSATIONS IN WASHINGTON, WE HAVE UNDERTAKEN AND COMPLETED AN ANALYSIS OF SALES AND PRICE INFORMATION IN CONNECTION WITH IMPORTS OF POLISH GOLF CARTS FOR THE YEARS 1975 AND 1976. THAT ANALYSIS IS SET FORTH IN THE ATTACHED MEMORANDUM AND SUMMARIZED IN THIS LETTER. PLEASE NOTE THAT THESE PRICES ARE BASED ON A REVIEW OF PREDOMINANT PRICING AND TERMS, WHICH VARY CONSIDERABLY DURING THIS PERIOD, AND THAT THEREFORE THERE WILL BE SOME ADJUSTMENT IN THE FINAL DUMPING DUTIES TO BE ASSESSED.

6. DURING 1975 THERE WERE SOME 7,000 POLISH GOLF CARTS IMPORTED INTO THE U.S. DUMPING MARGINS RANGED FROM ABOUT \$40 TO ABOUT \$155 PER CART AND THE AVERAGE WAS LIMITED OFFICIAL USE

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PAGE 03 STATE 036197

APPROXIMATELY \$100 PER CART. TOTAL DUMPING DUTIES FOR 1975 WILL THEREFORE BE IN EXCESS OF \$700,000. DURING THIS PERIOD THE FAIR VALUE, CALCULATED ON ADJUSTED MARATHON GOLF CART PRICES, RANGED FROM \$650 TO \$720. THIS PRICE VARIES DUE TO THE REQUIREMENT OF ADJUSTING FOR THE INFLATION FACTOR. I WOULD POINT OUT THAT IN MY SEPTEMBER 5, 1975 LETTER (ENCLOSED) TO MR. STRZELECKI AN ESTIMATED FAIR VALUE OF \$725 WAS PROVIDED TO THE POLISH GOVERNMENT. NONE OF THE CALCULATIONS FOR 1975 WAS BASED ON A FAIR VALUE WHICH EXCEEDED THIS PRICE.

7. THE ANALYSIS INDICATES CONSIDERABLY HIGHER DUMPING DUTIES FOR THE FIRST THREE QUARTERS OF 1976. FOR THE PERIOD JANUARY THROUGH SEPTEMBER DUTIES WILL AVERAGE ABOUT \$310 PER CART WITH TOTAL DUTIES EQUALING APPROXIMATELY \$1.5 MILLION. DURING THE LAST QUARTER OF 1976 IT APPEARS THAT NO DUTIES WILL BE ASSESSED. THESE CALCULATIONS ARE BASED UPON THE USE OF THE DATA OBTAINED

BY CUSTOMS ON THE SALE PRICE OF UTILITY VEHICLES FOR THE EARLY PART OF 1976. FOR THE LATTER QUARTER THE PRICING INFORMATION USED WAS SUPPLIED THROUGH THE POLISH EMBASSY IN WASHINGTON. IT IS OUR CONCLUSION THAT WE MUST USE

THE PRICES OBTAINED BY CUSTOMS WHICH RESULT IN A FAIR VALUE OF OVER \$960 PER UNIT FOR THE PERIOD UP TO THE TIME OF THE SALE OF THE 30 UTILITY VEHICLES TO RMS IN SEPTEMBER AT A FAIR VALUE OF ABOUT \$643. WHILE DUMPING MARGINS DURING THE FIRST THREE QUARTERS ARE LARGE, THE FOREIGN MARKET VALUE BASED ON THE APPLICABLE CANADIAN ELECTRIC UTILITY VEHICLE PRICE IS THE ONLY ALTERNATIVE DURING THIS PERIOD TO USING THE SELLING PRICE OF AMERICAN MANUFACTURERS WHICH WOULD, WE ESTIMATE, RESULT IN A \$200-\$400 ADDITIONAL DUMPING DUTY PER UNIT.

8. I WISH TO CALL YOUR ATTENTION TO THE DISCUSSION IN THE ENCLOSED MEMO OF THE SERIES OF "CONTRACTS" SUBMITTED LIMITED OFFICIAL USE

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PAGE 04 STATE 036197

BY THE POLES AND ALLEGEDLY NEGOTIATED AND SIGNED SOMETIME BETWEEN LATE 1975 AND MAY OF 1976. AS THE ATTACHED MEMORANDUM INDICATES, GIVEN THE LARGE DUMPING MARGINS FOUND TO EXIST DURING THE PERIOD IN WHICH THESE AGREEMENTS WERE REACHED, CONSIDERING THEM TO BE VALID CONTRACTS WOULD HAVE CLEARLY WORKED TO THE DISADVANTAGE OF THE POLES. THEREFORE, SINCE THEIR VALIDITY WAS QUESTIONABLE (WE WERE UNABLE TO ASCERTAIN WHEN PRECISELY THEY WERE ENTERED INTO), WE HAVE DISREGARDED THEM. I INFORMED AMBASSADOR TRAMPCZYNSKI DURING OUR MEETING OF FEBRUARY 7 THAT IN THE FUTURE, TO AVOID ANY QUESTION REGARDING THE VALIDITY OF CONTRACTS. THEY SHOULD BE CLEAR IN ALL SPECIFICS, INCLUDING THE DATE OF AGREEMENT, AND THAT THEY BE IMMEDIATELY SUBMITTED TO TREASURY. I FURTHER INDICATED TO THE AMBASSADOR THAT ASSESSMENTS FROM JANUARY 1, 1977 WOULD HAVE TO BE MADE ON CURRENT PRICES OF UTILITY VEHICLES IN CANADA, OR IF THERE IS NONE, ON U.S. MANUFACTURERS' PRICES. IF VALID CONTRACTS ARE ENTERED INTO WHILE SALES OF THE CANADIAN PRODUCT ARE OCCURRING, THE FAIR VALUE WOULD BE BASED ON THOSE SALES FOR THE ENTIRE PERIOD OF THE CONTRACTS. SINCERELY, PETER O. SUCHMAN, DEPUTY ASSISTANT SECRETARY (TARRIF AFFAIRS) END TEXT.

9. DECLASSIFY UPON RECEIPT.
HARTMAN

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTIDUMPING DUTIES, ANTIDUMPING LAW (TRADE), DIPLOMATIC COMMUNICATIONS, EQUIPMENT, RECREATION, TEXT
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE036197
Document Source: CORE
Document Unique ID: 00
Drafter: PSUCHMAN:RN
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Expiration:
Film Number: D770056-0248
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770297/aaaaglkq.tel
Line Count: 170
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Message ID: d0de21cf-c288-dd11-92da-001cc4696bcc
Office: ORIGIN TRSE
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 31685
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3470755
Secure: OPEN
Status: <DBA CORRECTED> jms 971001
Subject: ANTIDUMPING ACTION RE POLISH GOLF CARTS
TAGS: ETRD, PL, US
To: WARSAW
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/d0de21cf-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009